

REMARKS

In response to the Office Action dated April 1, 2004, Applicant respectfully requests reconsideration based on the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 1-17, 19-22, 24, 26-27, 29-30, 32-47, 50-51, 53 and 55-58 were rejected under 35 U.S.C. § 103 as being unpatentable over Saegusa in view of Lehtinen and Timm. This rejection is traversed for the following reasons.

Claim 1 recites disabling the display. The Examiner acknowledges that Saegusa fails to teach this feature, and relies on Lehtinen for allegedly teaching this feature.

Applicant submits that the combination of Saegusa, Lehtinen and Timm fails to teach the elements of claim 1 and that there is insufficient motivation to combine Saegusa and Lehtinen in this manner.

Lehtinen teaches disabling a touch sensitive screen when a user has selected to answer a call. This prevents the user's ear or cheek from accidentally activating an application during a call (col. 3, lines 24-31). Thus, Lehtinen fails to teach disabling the display in response to an emergency situation as recited in claim 1 but rather disabling the display in response to an outgoing call. Thus, even if Saegusa and Lehtinen are combined, the invention of claim 1 does not result.

Furthermore, the proposed modification to Saegusa would not have been obvious to one of ordinary skill in the art. Saegusa teaches that an indicator is provided to the user when an emergency situation is reported. Saegusa teaches that a red lamp 8 is turned on to notify the user that the emergent state of the user has been reported. Thus, Saegusa teaches away from disabling the display. In Saegusa, the goal is to activate additional display to notify the user of the emergency reporting. Lehtinen teaches disabling the display contrary to Saegusa which teaches activating a display element in an emergency situation. Thus, one of ordinary skill in the art would not be motivated to alter the express goal taught by Saegusa, namely notifying the user through a display device.

Claim 1 also recites muting incoming audio signals. The Examiner acknowledges that Saegusa fails to teach this feature, and relies on Timm for allegedly teaching this feature.

Applicant submits that the combination of Saegusa, Lehtinen and Timm fails to teach the elements of claim 1 and that there is insufficient motivation to combine Saegusa and Timm in this manner.

Timm teaches muting a two way hands-free phone when data is being sent to a response center. Once the data is sent, the phone is unmuted to allow voice communications as shown in step 63. Presumably this prevents the user from listening to the data transmission. Thus, Timm fails to teach muting incoming audio in response to a keyboard sequence. The muting of the incoming audio in Timm is performed when a response center is contacted and data is sent to the response center. Thus, even if Saegusa and Timm are combined, the invention of claim 1 does not result.

Furthermore, the proposed modification to Saegusa would not have been obvious to one of ordinary skill in the art. Saegusa teaches that an audio message is provided to a user upon activation of an emergent state. A red lamp 8 is illuminated and a message is played to the user over speaker 32 giving the user a predetermined primary measure to be taken (col. 4, lines 10-22). Thus, muting the incoming audio would not allow Saegusa to provide this message to the user. Thus, one of ordinary skill in the art would not be motivated to alter Saegusa to eliminate this audible message to the user.

For the above reasons, claim 1 is patentable over Saegusa, Lehtinen and Timm. Claims 2-10 depend from claim 1 and are patentable over Saegusa, Lehtinen and Timm for at least the reasons advanced with respect to claim 1. Claims 11-17, 19-22, 24, 26-27, 29-30, 32-47, 50-51, 53 and 55-58 include features similar to those in claim 1 and are patentable over Saegusa, Lehtinen and Timm for at least the reasons advanced with respect to claim 1.

Claims 18, 23, 25, 31, 48-49, 52 and 54 were rejected under 35 U.S.C. § 103 as being unpatentable over Saegusa in view of Lehtinen, Timm and Aoki. This rejection is traversed for the following reasons.

Aoki was relied upon for disclosing content comprising an image. Aoki, however, fails to cure the deficiencies of Saegusa in view of Lehtinen, Timm discussed

above with reference to claim 1. Thus, claims 18, 23, 25, 31, 48-49, 52 and 54 are patentable over Saegusa in view of Lehtinen, Timm and Aoki.

In view of the foregoing remarks, Applicant submits that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,

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